

The Charter Review Commission of the City of Seabrook met on Tuesday, April 2, 2019 at 5:00 p.m. in Seabrook City Hall, Upstairs Conference Room, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

JOHN CHISLER	CHAIR
ROB HEFNER	VICE CHAIR
BRUCE DRESNER	MEMBER
MARCY FRYDAY	MEMBER
NANCY JONES	MEMBER
TERRY MOORE	MEMBER
RICHARD TOMLINSON	MEMBER
GAYLE COOK	CITY MANAGER
SEAN LANDIS	DEPUTY CITY MANAGER
STEVE WEATHERED	CITY ATTORNEY
ROBIN HICKS	CITY SECRETARY
STEPHANIE MARTINEZ	EXECUTIVE ADMIN. ASST.

Chair, John Chisler, called the meeting to order at 5:00 p.m.

***1. PRESENTATIONS***

***1.1 Welcoming Remarks by Mayor Thom Kolupski. (Kolupski)***

Mayor Kolupski welcomed the members of the Charter Review Commission and thanked them in advance for their commitment for the next six months because the review of the Charter takes time. He explained that each member was chosen because Council has confidence in each member's ability to give his/her opinion and to discern what information should be considered when reviewing the Charter for amendments. The Mayor further explained that the members of the Charter Review Commission will give a final report to the City Council and will be responsible for the items that would ultimately end up on the ballot for the voters, and because of each member's strong wills and ability to handle this task, the Mayor and the Council respects each one. Mayor Kolupski ended his remarks by thanking Chairperson John Chisler for his willingness to serve as the Chair and to share his experiences from the 2014 Charter Review Commission.

***1.2 Thank you remarks in recognition of the 2014/2015 Charter Review Commission. (Chisler)***

Chair John Chisler introduced the staff members present at the meeting: Gayle Cook, City Manager; Sean Landis, Deputy City Manager; and Stephanie Martinez, Executive Administrative Assistant. Mr. Chisler also commented that he was a member of the 2014 Charter Review Commission and the Chair of that Commission, Laura Davis, did an outstanding job and took the responsibility to put together everything that the members had discussed, including side notes, and everything, and put together a complete package.

46     **2.       PUBLIC COMMENTS AND ANNOUNCEMENTS**

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48             No members of the public were present; therefore, none spoke during the public comments  
49     portion of the meeting.

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51             Chair John Chisler asked the members of the Commission if they would please make sure  
52     all cell phones were turned off or on silent and asked that there be no side discussions among  
53     members during the meeting, as all comments need to be on the record and discussed among the  
54     entire group.

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56     **3.       NEW BUSINESS**

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58     **3.1** Consider and take all appropriate action on Rules of Procedure for the 2019/2020 Charter  
59     Review Commission.

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61             Robin Hicks, City Secretary, explained that the Rules of Procedure are before the  
62     Commission again because the City Attorney, Steve Weathered, took the comments on rules  
63     made by the members at the March 19 meeting, and reduced them to writing and into a list of  
64     rules for the 2019/2020 Charter Review Commission. The members will need to approve the  
65     2019/2020 Charter Review Commission Rules of Procedure, as written and presented tonight.

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67     Motion was made by Member Dresner and seconded by Member Jones to approve the Rules of  
68     Procedure for the 2019/2020 Charter Review Commission, as presented.

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70     MOTION CARRIED BY UNANIMOUS CONSENT

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72     **3.2** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article I,  
73     "Incorporation".

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75             Vice Chair, Rob Hefner, commented that he had reviewed Article I and saw nothing  
76     significant that would require amendment.

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78     Motion was made by Vice Chair Hefner and seconded by Member Fryday to approve Article I as  
79     presented, with no amendments.

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81     MOTION CARRIED BY UNANIMOUS CONSENT

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91 **3.3** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article II, "The  
92 Council".  
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94 Member Jones asked if a glossary could be created for words that are not clearly defined  
95 in the Charter, for the benefits of citizens that might also have questions about some words in the  
96 Charter. Vice Chair Hefner agreed that a glossary is a good idea. Member Fryday agreed that as  
97 the Commission reviews each Article and Section that they discuss and make note of words that  
98 need to be more clearly defined, and at that time recommend the needed amendment, if appropriate.  
99 Steve Weathered, City Attorney, explained that some words, like "super majority", cannot be  
100 definitively written because the definition depends on the context of the particular section of its  
101 use. After some discussion, there was a consensus among members that notes would be taken on  
102 words that were not clearly defined, and amendments put forth, as needed, for a glossary or for  
103 clearer definitions.  
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105 Commission members reviewed, discussed, and took action as follows:  
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107 **Section 2.01, "The Council"** - no comments and no suggested amendments  
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109 **Section 2.02, "Qualification"** – Steve Weathered, City Attorney, explained that residency within  
110 the City can be six months, per the Texas Constitution, and the City has decided on twelve months.  
111 Mr. Weathered continued that some Charters also state that you have to be a qualified voter in the  
112 City as well, but Seabrook Charter does not. Robin Hicks, City Secretary, let the Commission  
113 know that appointed board and commission members must be qualified voters of the City. Vice  
114 Chair Hefner asked the Commission if there is any reason why the residency requirements should  
115 be changed to six months. Chair Chisler stated that he can see both sides of the argument. Six  
116 months might not be long enough for someone to know the City well, but twelve months could  
117 keep qualified persons from applying for a place on the ballot who have not resided in Seabrook  
118 for that period of time. Commission members agreed that there is no need to change the residency  
119 requirements from twelve to six months. Mr. Hefner asked if the Commission wanted to change  
120 the voter registration requirements to be registered voters of Seabrook. Ms. Hicks stated that if a  
121 person is registered in Harris County, then the person is registered in Seabrook. Because Seabrook  
122 does not have Single Member Districts, and the Council is elected At Large, then Seabrook voters  
123 only have to reside in Seabrook and be a registered voter in Harris County. The City of Seabrook  
124 does not registered voters. The County Voter Registrar handles registration for Seabrook residents.  
125 Ms. Hicks showed the Commission the requirements to vote in Harris County and to vote in Texas.  
126 Mr. Hefner suggested that the language be changed to be a qualified voter of the County of Harris.  
127 Mr. Weathered asked if the Commission was ok with an 18 year old being able to run for City  
128 Council. Commission members mentioned that maturity could be an issue with an 18 year old  
129 running for office.  
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131 Motion was made by Member Moore and seconded by Vice Chair Hefner to change the language  
132 in Section 2.01 to reflect the qualifications that a member of Council be more than 21 years of  
133 age and that he or she be a qualified voter of the State of Texas, Harris County.  
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MOTION CARRIED BY A 6 TO 1 VOTE, WITH MEMBER TOMLINSON VOTING IN  
OPPOSITION

**Section 2.03, "Compensation of members of City Council"** – no comments and no suggested  
amendments

**Section 2.04, "Mayor and Mayor Pro-Tem"** – Steve Weathered, City Attorney, informed the  
Commission that there was a question brought forth by a member of the Texas Attorney General's  
staff about whether the Mayor was a voting member of the City Council. A prior City Council  
passed a resolution to interpret this section in order to clarify for the AG's staff person.

In addition to discussion on amendment to make it clear that the Mayor is a member of the City  
Council, with full voting rights and authority, there was brief discussion on removing official plats  
from the list of official documents that the Mayor will sign, since the Mayor no longer signs official  
plats. In order to broaden the scope of documents signed by the Mayor, the Commission put forth  
discussion on deleting the list of documents that the mayor may sign.

Motion was made by Member Dresner and seconded by Member Jones to approve an amendment  
as follows:

Section 2.04. - Mayor and Mayor Pro-Tem.

The Mayor shall be a voting Councilmember of City Council and shall be the  
official head of the City government. He or she shall preside at all meetings of the  
Council, shall have a vote on all Council actions, and shall when authorized by the  
Council, sign all official documents [~~such as ordinances, resolutions,~~  
~~conveyances, grant agreements, official plats, contracts, and bonds~~]. He or she  
shall perform such other duties consistent with this Charter or as may be imposed  
upon him or her by Council. He or she shall not have the power of veto.

The Mayor Pro-Tem shall be a Councilmember and be selected by the Council at  
the second regular Council meeting following a runoff election if any, but not more  
than the second regular Council meeting in June of each year in those years of no  
elections for Councilmembers. The Mayor Pro-Tem shall act as Mayor during the  
disability or absence of the Mayor or if the office is vacated and in this capacity  
shall have the rights conferred upon the Mayor. Should the Mayor refuse or is  
unable to perform in his or her official capacity, the Mayor Pro-Tem shall act in his  
or her stead for that specific case. Should neither the Mayor nor Mayor Pro-Tem be  
able to perform, the Council may designate another member to act in his or her  
stead for that specific case.

MOTION CARRIED BY UNANIMOUS CONSENT

**Section 2.05, “Vacancies, forfeiture, filling of vacancies”** – no comments and no suggested amendments

**Section 2.06, “Powers”** – no comments and no suggested amendments

**Section 2.07, “Prohibitions”** – no comments and no suggested amendments

**Section 2.08, “Induction of Council into office; meeting of council”** – no comments and no suggested amendments

**Section 2.09, “Council to be judge of qualifications of its members”** – no comments and no suggested amendments

**Section 2.10, “Rules of Procedure”** – Robin Hicks, City Secretary, explained that Section 2.10 calls for a roll call vote of Council for all but procedural motions. In reality, the Council votes by a show of hands, which is more efficient than a roll call vote for each item on the agenda. Ms. Hicks clarified that Council does vote by roll call on votes required to be taken by roll call vote by state statute.

Motion was made by Member Dresner and seconded by Vice Chair Hefner to approve striking the portion of the Section that requires a roll call vote as follows:

Section 2.10. - Rules of procedure.

The Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting at a regular scheduled time on the agenda in regard to any matter whether or not the topic they wish to discuss is under consideration on the agenda. Any member of Council may place any ordinance or topic in writing on the agenda of any Council meeting. The Council shall provide for minutes being taken and recorded of all meetings, and such minutes shall be a public record. Voting, except of procedural motions, ~~[shall be by roll call and the ayes and nays]~~ shall be recorded in the minutes. Four (4) Councilmembers shall constitute a quorum for the purpose of transaction of business and no action of the Council, except as provided elsewhere in this charter or in state law, shall be valid or binding unless adopted by the affirmative vote of a majority of the Councilmembers present and voting aye or nay. Abstentions shall not be counted as an aye or nay vote and shall be allowed.

MOTION CARRIED BY UNANIMOUS CONSENT



**Section 2.11, "Passage of ordinances in general"** – Mr. Weathered pointed out that the reference to Section 2.12 in subsection b, "Procedure", is incorrect, and should be a reference to Section 2.14. There was discussion regarding the requirement to post an adopted ordinance on the City's homepage (internet) and the City's communication TV channel. After discussion regarding bills that have been filed in the State Legislature and not passed regarding publications on electronic media, the Commission came to a consensus to not amend this portion of Section 2.11. Finally, the Commission discussed the last sentence of Section 2.11, and whether it was necessary to keep the availability for two members of Council to request that the entire ordinance be read out loud during a meeting. Mr. Weathered stated that this procedure has not been invoked since 2005. Mr. Chisler commented that this sentence has been in the Charter for years and expressed that it is a waste of time. Mr. Weathered countered that the entire ordinance is published with the agenda for citizens to read the entire ordinance and the ordinance is provided to the City Council so that they are able to read it before and during the meeting.

Motion was made by Member Dresner and seconded by Vice Chair Hefner to correct the reference to Section 2.12, to delete the last sentence of Section 2.11 as follows:

Section 2.11. - Passage of ordinances in general.

(a) Form: The Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title, but general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except when an ordinance is repealed in its entirety, the amendatory or repealing ordinance shall set out in full the ordinance sections, or sub-sections to be amended or repealed, and shall indicate matter to be omitted by enclosing it in brackets and shall indicate new matter by underscoring.

(b) Procedure: Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of Council before first reading. Copies of the proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to citizens, upon request to the City Secretary, before first reading and, if amended, shall be available and furnished in the amended form for as long as the proposed ordinance is before Council.

A proposed ordinance, except an election ordinance and/or an emergency and/or a budget/tax ordinance, shall be read at two (2) Council meetings, with at least two (2) weeks elapsing between each reading. At any reading of a proposed ordinance, persons interested shall have a reasonable opportunity to be heard. Emergency

ordinances shall be passed in accordance with **Section 2.12[4]** and budget/tax ordinances in accordance with Article V and election ordinances in accordance with Article VII.

(c) Effective Date: Every ordinance shall become effective upon adoption, or at any later time specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published in its entirety or in summary form once in the official City newspaper or as otherwise required by law. Additionally, the City Secretary will post the adopted ordinance within 10 days after adoption on the City's homepage (on the Internet) and the City's communication TV channel. The City's Internet homepage and the City's TV channel shall be used for publication purposes when practical; however, such publication shall not be a condition precedent to the enforcement of said ordinance unless and until state law requires such electronic publication. The Council shall enact an ordinance to enforce this provision.

(d) Reading: The reading aloud of the title and caption of the ordinance shall suffice as a reading, provided printed copies of the ordinance, in the form required for adoption, are in front of all members of Council and a reasonable number of additional copies are available to citizens present at the meeting. ~~[If two (2) Councilmembers request that the ordinance be read in its entirety, it must be so read].~~

#### MOTION CARRIED BY UNANIMOUS CONSENT

**3.4** Review, discuss, and if appropriate, take action on Seabrook City Charter, Article III, "The City Manager." City Manager, Gayle Cook, may participate in the discussion on Article III to share information with the Charter Review Commission on historical perspective, best practices, and suggested amendments, if any.

The Commission did not finish with the review of Article II under New Business; therefore, no discussion or votes were taken on Article III. Article III will be added to the next meeting agenda for consideration.

#### **4. ROUTINE BUSINESS**

**4.1** Consider and take all appropriate action on the March 19, 2019 Charter Review Commission minutes.


The Commission did not finish with all items under New Business; therefore, no discussion or vote was taken on the March 19, 2019 minutes. The March 19, 2019 minutes will be added to the next meeting agenda for consideration.

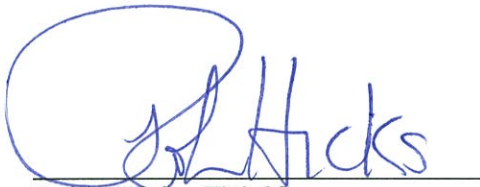


4.2 Establish future meeting dates and agenda items.

The next Charter Review Commission meeting will be held on Tuesday, April 16, 2019 at 5:00p.m., and the Commission will pick up the discussion on Article II at Section 2.12. All business having been completed, Chair Chisler adjourned the meeting at 6:45 p.m.

Approved this 16<sup>th</sup> day of April, 2019.

  
John Chisler  
Chair

  
Robin Hicks, TRMC  
City Secretary

